THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 6th day of January,2006

W.P.No.26861 of 2005

Between:

Md. Hasan, E-71873, ADC,

Age 54 years, R/o Nagarkurnool,

Mahaboobnagar district. .. Petitioner

And

1. The APSRTC, rep. by its Regional

Manager, Mahaboobnagar.

2 The Depot Manager, APSRTC,

Nagarkurnool, Mahaboobnagar district. ..Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 2nd respondent in issuing the suspension Order and charge sheet vide Proceedings dated 21-10-2005 against the petitioner as arbitrary and illegal.

It seems the petitioner while working as Assistant Depot Clerk, Andhra Pradesh State Road Transport Corporation, Nagarkurnool Depot marked the attendance of a Conductor (D.S.Chary), though the service for which he was booked, was not operated on 2-9-2005 since no driver was booked to the same service. This marking of attendance is taken to be a serious offence requiring suspension of the petitioner from service by the impugned Order of the 2nd respondent dated 21-10-2005. Challenging the said Order, the present Writ Petition is filed.

Learned counsel for the petitioner strenuously contended that the suspension from service is unwarranted in a case like this, since marking of attendance and also whether the Conductor was sent on service duty or not is a matter of record. No further evidence is necessary and even assuming that this is a misconduct, it is not only trivial, but does not warrant the suspension of the petitioner from service.

Heard the learned Standing Counsel for APSRTC appearing for the respondents, who supported the impugned Order.

I am in full agreement with the submissions made by learned counsel for the petitioner. The misconduct alleged, even assuming that it is true, it is very trivial in its nature and does not require suspension of the petitioner from service for conducting any detailed enquiry into the matter.

In the circumstances, the Writ Petition is allowed and the impugned Order dated 21-10-2005 of the 2nd respondent so far as suspending the petitioner from service is set aside. However, the respondent-Corporation is at liberty to proceed with the disciplinary proceedings as contemplated in the charge sheet dated 21-10-2005 issued by the 2nd respondent.

The Writ Petition is allowed to the extent indicated above. No order as to

costs.

06-1-2006

prk